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A LIMITED LIABILITY LAW PARTNERSHIP LLP

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Attorneys for Defendant / Cross Claimant  
HAWAIIAN ELECTRIC COMPANY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE  
CORPORATION and BIG ISLAND  
TOYOTA,

Plaintiff,

vs.

YOUNG BROTHERS, LIMITED;  
HAWAIIAN ELECTRIC COMPANY,  
INC.; AMERICAN PACIFIC

CV04-00724 HG/BMK

DEFENDANT HAWAIIAN  
ELECTRIC COMPANY, INC.'S  
SCHEDULING CONFERENCE  
STATEMENT; CERTIFICATE OF  
SERVICE

TRANSPORT CO., LTD.; PIRELLI  
CABLE NORTH AMERICA, INC.,

Defendants.

**SCHEDULING CONFERENCE:**

**Date:** June 13, 2006

**Time:** 1:30 p.m.

**Judge:** Magistrate Barry M. Kurren

**DEFENDANT HAWAIIAN ELECTRIC COMPANY, INC.'S  
SCHEDULING CONFERENCE STATEMENT**

Pursuant to L.R. 16.2(b), Defendant Hawaiian Electric Company, Inc. ("HECO"), by and through its attorneys, Goodsill Anderson Quinn & Stifel, A Limited Liability Law Partnership LLP, hereby submits its Scheduling Conference Statement.

**I. STATEMENT OF THE CASE**

The instant matter arises out of an incident allegedly occurring on or about March 23, 2003. Plaintiffs Motor Insurance Corporation and Big Island Toyota contend that on or about that date their vehicle was damaged by a shipment of wire spool that was in the possession of and being shipped by Young Brothers, Ltd. The shipment of wire spool was purchased by HECO from Defendant Pirelli Cable North America, Inc. ("Pirelli"). As between HECO and Pirelli, Pirelli bore the risk of damage caused during product shipment until the order reached the destination point, which in this case was HECO's affiliate in Hilo, Hawaii.

**II. JURISDICTION**

Jurisdiction and venue are not disputed.

**III. JURY TRIAL**

Non-jury.

**IV. DISCLOSURES**

Initial disclosures, as required by Rule 26 of the Federal Rules of Civil Procedure, are adequate. The initial disclosures will be submitted according to timelines agreed upon by the parties.

**V. DISCOVERY/MOTIONS PENDING**

No motions are currently pending before this Court.

**VI. SPECIAL PROCEDURES**

No special procedures are requested at this time.

**VII. RELATED CASES**

None.

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**VIII. ADDITIONAL MATTERS**

As to HECO's third-party claims, default has been entered against  
Pirelli and Defendant American Pacific Transport Co., Ltd. Plaintiffs are still in  
the process of serving Pirelli and American Pacific Transport Co., Ltd.

DATED: Honolulu, Hawaii, June 6, 2006.

/s/ Randolph L.M. Baldemor

RANDOLF L. M. BALDEMOR

SUSAN A. LI

R. SCOTT SIMON

Attorneys for Defendant / Cross  
Claimant

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CV04-00724 HG/BMK

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the  
foregoing document was duly served upon the following party at the address listed  
below on the date noted below:

**Electronically  
through CM/ECF**

**Hand  
Delivery**

Greg Nishioka, Esq.  
Nishioka & Fujioka  
841 Bishop Street, Suite 224  
Honolulu, Hawai'i 96813-3902

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Attorney for Plaintiffs

DATED: Honolulu, Hawaii, June 6, 2006.

/s/ Randolph L.M. Baldemor

RANDOLF L. M. BALDEMOR

SUSAN A. LI

R. SCOTT SIMON

Attorneys for Defendant / Cross  
Claimant

HAWAIIAN ELECTRIC COMPANY